

FACT SHEET
ANTI-DRUG INITIATIVES
MAKING NEIGHBORHOODS SAFER
2005 LEGISLATIVE PROPOSALS

January 18, 2005

Administration's Actions

Lt. Governor James R. "Duke" Aiona, Jr. today unveiled a series of measures the Lingle-Aiona Administration will propose to the Legislature. The 12 initiatives, combined with the Administration's proposed \$46.3 million for substance abuse treatment and prevention programs, as well as a long-term plan that was developed with input from a community-based group of 90 individuals committed to ending drug abuse, provides a coordinated, balanced approach to the statewide fight against drugs.

The Administration's plan focuses on preventing illegal drug and alcohol use before it starts, providing treatment to those who need it, and ensuring that law enforcement personnel have the tools and resources to stop the manufacture and distribution of illegal substances.

12 Anti-Drug Legislative Proposals

Electronic Surveillance:

Modernizes Hawai'i's grossly outdated electronic surveillance laws. The measures would provide Hawai'i law enforcement personnel the same tools as the federal government has (pre-Patriot act) and that almost all states have – the tools law enforcement needs to fight drug dealers who use 21st Century technology to ruin the lives of Hawai'i's residents.

Mandatory Sentencing:

This bill, which will be known as the "Serious Consequences for Serious Crimes Act," provides for a mandatory sentence of 30 years to life for habitual violent criminals. It also requires that felons convicted of a class "A" drug offense and repeat drug offenders be incarcerated. This measure would make Hawai'i's neighborhoods safer against criminals who repeatedly endanger residents and visitors.

Shut Down Illegal Drug Houses—Nuisance Abatement

Improves and enhances law enforcement personnel's ability to use temporary restraining orders against suspected drug dealers banning them from entering the premises of a suspected drug house. This measure would protect the identity of concerned neighbors who report on drug houses. It would also allow for the suspension or revocation of business, professional or liquor licenses in appropriate circumstances. Establishes a rapid response unit which will immediately respond to community complaints regarding suspected illegal drug activity.

Incarcerating Drug Dealers

Repeals current laws that allow hardened criminals who are drug dealers to escape punishment. Drug rehabilitation programs would be reserved for first-time and personal use offenders who deserve and will benefit from treatment.

Jail Time for Buying Liquor for Minors

Require a mandatory jail sentence for any adult who buys liquor for a minor. (A minor is anyone under the age of 21.)

Revoke Driver's Licenses of Underage Drinkers

Requires a judge to suspend for 90 days the driver's license of anyone under the age of 21 who is convicted of illegal possession of liquor. If the minor does not yet have a driver's license, then his or her eligibility to get a driver's license would be postponed for 90 days or until he or she turns 18. This revocation or suspension would occur even if the minor is not driving a vehicle at the time he or she is caught with an alcoholic beverage.

Community Input on Drug Rehab Facilities

Repeals a law passed last year that permits a drug rehabilitation facility to be placed in a neighborhood without public input or county approval. This measure would reinstate the ability of counties to hold public hearings and allow the community to review the plans and specifications for such a facility.

Abolish Archaic Advisory Commission

Abolishes the Hawai'i State Advisory Commission on Drug Abuse and Controlled Substances. Since this Commission was created in 1972, numerous other organizations and advisory groups have been created to ensure interested individuals and their families have a voice on drug abuse matters.

Abolish Duplicative Interagency Council

Abolishes the Interagency Offender Substance Abuse Treatment Coordinating Council. This council was established to develop and implement an offender substance abuse treatment program in compliance with the Criminal Offender Treatment Act passed in 1998. Much of its original task has been accomplished and subsequent interagency mechanisms now exist to continue the coordination effort.

Improved Drug Control

Limits over-the-counter sales of pseudoephedrine and ephedrine products that can be used to manufacture "ice." The limit will be set at three packages or 9 grams per individual sale.

This proposal also clarifies how pharmacies should handle the dispensing of prescription controlled substances. It would also make amendments to Hawai'i's electronic prescription accountability system to improve monitoring of prescription drugs that are subject to abuse.

Additionally the bill would allow Hawai'i to share prescription monitoring information with other states as part of a nationwide tracking system. Interstate information sharing is a critical step in breaking up pharmaceutical diversion rings and apprehending those who try to procure illegal substances from out-of-state.

Prohibit Drug Paraphernalia Sales

Gives law enforcement personnel greater ability to take action against individuals who sell or distribute equipment, products, and materials that can be used to grow, manufacture, or ingest illegal substances. The bill ensures that Hawai'i conform to federal definitions of "drug paraphernalia." Examples include flasks, pipes, testing equipment, syringes, and chemicals that can be used to dilute or adulterate illegal substances.

Improve Offender Treatment

Repeals the Criminal Offender Treatment Act, passed in 1998. Many of that Act's provisions duplicate assessment and mandatory treatment systems well established in the Department of Public Safety before the law was passed. The treatment sections of that Act focused only on a narrow group of offenders on parole or conditional release, rather than on the broader incarcerated population. Repeal would allow for a continuum of treatment services.

\$46.3 Million Budgeted for Prevention, Treatment, Law Enforcement

The Lingle-Aiona Administration has included \$46.3 million in its biennium base budget to sustain current levels of funding that were authorized under Act 41 during the last legislative session.

The budget calls for \$19.8 million each year in FY06 and FY07, the same level that was approved in FY05, for various drug treatment and prevention programs under the Departments of the Attorney General, Health, Human Services and Public Safety.

In addition, the Administration proposes increasing the budget to include \$2 million each year for community-based substance abuse prevention programs, over \$1 million each year for adolescent residential treatment and school-based counseling and treatment programs, and a quarter million dollars each year for law enforcement programs including the Drug Nuisance Abatement Unit.

Note: Additional details about the Administration's budget can be found in the "Budget in Brief," Public Safety programs (page 9) and in the Department Summaries for the Departments of the Attorney General, Health, Human Services, and Public Safety. The "Budget in Brief" is posted on the Budget and Finance Web page at: <http://www.hawaii.gov/budget>.

A video of the Lt. Governor's news conference is posted on his Web site at:
www.hawaii.gov/lsgov/newsconferences